

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
WACO DIVISION**

DATANET LLC,
Plaintiff,

-v-

DROPBOX, INC.,
Defendant.

6:22-CV-001142-OLG-DTG

CLAIM CONSTRUCTION ORDER

Before the Court are the Parties' claim construction briefs: Defendant Dropbox, Inc.'s Opening Claim Construction Brief (ECF No. 43), Plaintiff's Datanet LLC's Responsive Claim Construction Brief (ECF No. 60), Defendant's Reply Claim Construction Brief (ECF No. 63), Plaintiff's Sur-Reply (ECF No. 69), and the Joint Claim Construction Statement (ECF No. 72). On November 1, 2023, the Court provided the parties with its Preliminary Claim Constructions, and on November 2, 2023, the Court held a *Markman* hearing. The Court issues this Order to memorialize the Court's final claim construction rulings for the parties, and to inform the parties that the Court will issue a more-detailed Order explaining its analysis in due course. The deadline to file any objections to the undersigned's claim construction rulings (pursuant to Federal Rules of Civil Procedure 59 and 72) does not begin to run until the more-detailed Order is entered on the docket.

IT IS SO ORDERED.

SIGNED this 6th day of November, 2023.


DEREK T. GILLILAND
UNITED STATES MAGISTRATE JUDGE

I. AGREED CONSTRUCTIONS:

Term No.	Term	Parties' Agreed Construction
1	<p>“computing device”</p> <p>U.S. Patent No. 8,473,478, Claims 1, 8–11; U.S. Patent No. 9,218,348, Claims 1, 8, 12–15, 30.</p>	<p>“a personal computer, a laptop or notebook computer, a server, a handheld computing device, a PDA or a PAL. The term computing device is not specific to the kind of operating system being run on Such computing device, and includes devices running Microsoft operating systems, Apple Macintosh operating systems, UNIX operating systems, Linux operating systems, and other operating systems”</p>
2	<p>“resident program”</p> <p>U.S. Patent No. 9,218,348, Claims 16, 17, 26.</p>	<p>“an operating system (OS) or other program that has control over file operations such as ‘read’, ‘write’, ‘save’, ‘rename’, ‘delete’, ‘copy’, ‘move’, ‘open’, ‘close’, etc.”</p>
3	<p>“storage location”</p> <p>U.S. Patent No. 8,473,478, Claims 1, 2, 3, 5, 8–11; U.S. Patent No. 9,218,348, Claims 1-5, 8, 10–15, 23, 24, 27,28, 30, 31; U.S. Patent No. 10,585,850, Claims 1, 6, 10, 14, 18.</p>	<p>“any storage device, or a buffer, folder, directory or designated area on a storage device”</p>
4	<p>“network attached storage device”</p> <p>U.S. Patent No. 8,473,478, Claim 3; U.S. Patent No. 9,218,348, Claims 3, 10.</p>	<p>“any storage device connected directly to a network to which a first computing device is also temporarily or permanently connected, or any storage device connected to a second computing device that is also temporarily or permanently connected to the network to which the first computing device is temporarily or permanently connected”</p>

5	<p>“internet storage area network”</p> <p>U.S. Patent No. 8,473,478, Claims 5;• U.S. Patent No. 9,218,348, Claims 5, 11, 28.</p>	<p>“any storage area (device, collection of devices, etc.) that can be accessed by the computing device when the computing device is temporarily or permanent connected to the Internet”</p>
6	<p>“peer-to-peer storage device”</p> <p>U.S. Patent No. 9,218,348, Claims 4, 28.</p>	<p>“any storage area (device, collection of devices, etc.) that can be accessed by the computing device when it is sharing resources with other network or internet accessible computers”</p>
7	<p>“personal attached storage device”</p> <p>U.S. Patent No. 8,473,478, Claims 2; U.S. Patent No. 9,218,348, Claims 2, 28.</p>	<p>“any internal or external storage device connected to a computing device”</p>
8	<p>“temporally proximate”</p> <p>U.S. Patent No. 8,473,478, Claims 1, 8–11; U.S. Patent No. 9,218,348, Claims 1, 8, 12–15.</p>	<p>“just before and/or just after”</p>

II. DISPUTED CONSTRUCTIONS:

Term No.	Term	Datanet's Proposed Construction	Dropbox's Proposed Construction	Court's Final Construction
1	<p>“responsive to a selection to not restoring the previous version”</p> <p>U.S. Patent No. 10,585,850, Claims 6, 14</p> <p>Proposed by Dropbox</p>	<p>No need for construction; plain and ordinary meaning.</p> <p>Alternatively, “Responding to an input (such as, for example but not limited to, clicking on another version, or clicking on a ‘cancel,’ or interacting with some other input/element) that the user does not wish to restore the earlier version it selected for preview.”</p>	<p>Indefinite.</p> <p>Dropbox disagrees with Datanet's alternative proposed construction.</p>	<p>Not indefinite. Plain-and-ordinary meaning.</p>
2	<p>“storing the selected previous version ... as the current version on the local storage location” / “storing the second selected previous version ... as the current version on the local storage location”</p> <p>U.S. Patent No. 10,585,850, Claims 1, 6, 10, 14, 18</p> <p>Proposed by Dropbox</p>	<p>No need for construction; plain and ordinary meaning.</p> <p>Alternatively, “Saving the earlier version of the file ... as the most recent version of the file / saving the second chosen earlier version of the file ... as the most recent version of the file.</p>	<p>Plain and ordinary meaning.</p> <p>Dropbox disagrees with Datanet's alternative proposed construction.</p>	<p>Plain-and-ordinary meaning.</p>

Term No.	Term	Datanet's Proposed Construction	Dropbox's Proposed Construction	Court's Final Construction
3	<p>“substantially imperceptible impact...from a user’s point of view”</p> <p>U.S. Patent No. 10,585,850, Claims 9, 17.</p> <p>Proposed by Dropbox</p>	<p>No need for construction; plain and ordinary meaning.</p> <p>Alternatively, “computing device performance is not affected perceivably by the user.”</p>	<p>Indefinite.</p> <p>Dropbox disagrees with Datanet’s alternative proposed construction.</p>	Indefinite.
4	<p>“a selection to preview a selected previous version of the file”</p> <p>U.S. Patent No. 10,585,850, Claims 1, 10, 18</p> <p>Proposed by Dropbox</p>	<p>No need for construction; plain and ordinary meaning.</p> <p>Alternatively, “Show or represent an example of the earlier version of the file / showing or representing an example of an earlier version that has been chosen”</p>	A selection to view the content of a selected previous version of the file before restoration / viewing the content of the selected revision of said file before restoration/viewing the selected another revision of said file before restoration	Plain-and-ordinary meaning.
5	<p>“retrieving the restorable representation”</p> <p>U.S. Patent No. 10,585,850, Claims 1, 6, 10, 14, 18</p> <p>Proposed by Dropbox</p>	<p>No need for construction; plain and ordinary meaning.</p> <p>Alternatively, “Finding or getting an example rendering of the chosen file as it previously existed”</p>	Search, locate and return the portrayal, depiction or denotation of a version, such as an image, picture, symbol, or sign that may be restored to a prior version of the file	Plain-and-ordinary meaning.

Term No.	Term	Datanet's Proposed Construction	Dropbox's Proposed Construction	Court's Final Construction
6	<p>“temporary first storage location” U.S. Patent No. 8,473,478, Claims 1, 8–11</p> <p>“first temporary storage location” U.S. Patent No. 8,473,478, Claims 1, 8–11</p> <p>“temporary storage location” U.S. Patent No. 8,473,478, Claims 1, 8–11; U.S. Patent No. 9,218,348, Claims 1, 8, 12–15, 23, 24.</p> <p>Proposed by Dropbox</p>	<p>No need for construction; plain and ordinary meaning.</p> <p>Alternatively, “A buffer, folder, directory or designated area on a storage device that can store data.”</p>	Any storage device, buffer, folder, directory or designated area or location on a storage device that serves as the first storage location to which the archive file is temporarily moved after its creation	<p>“temporary” / “first”: Plain-and-ordinary meaning.</p> <p>“storage location”: any storage device, or a buffer, folder, directory or designated area on a storage device.</p>

Term No.	Term	Datanet's Proposed Construction	Dropbox's Proposed Construction	Court's Final Construction
7	<p>“intermediate storage location”</p> <p>U.S. Patent No. 8,473,478, Claim 1; U.S. Patent No. 9,218,348, Claims 1, 8, 12–15, 27, 28, 30</p> <p>Proposed by Dropbox</p>	<p>No need for construction; plain and ordinary meaning.</p> <p>Alternatively, “A buffer, folder, directory or designated area on a storage device that can store data.”</p>	<p>Any storage device, buffer, folder, directory or designated area or location on a storage device that is a non-permanent storage location to which the archive file is moved after the first temporary storage location and before a final destination.</p>	<p>“intermediate”: Plain-and-ordinary meaning.</p> <p>“storage location”: any storage device, or a buffer, folder, directory or designated area on a storage device.</p>
8	<p>“final destination”</p> <p>U.S. Patent No. 8,473,478, Claim 1; U.S. Patent No. 9,218,348, Claim 1</p> <p>Proposed by Dropbox</p>	<p>No need for construction; plain and ordinary meaning.</p> <p>Alternatively, “Any storage device or a buffer, folder, directory or designated area on a storage device that can store data”</p>	<p>A location to which the archive file is last moved</p>	<p>Plain-and-ordinary meaning.</p>
9	<p>“event”</p> <p>U.S. Patent No. 8,473,478, Claims 1, 8–11; U.S. Patent No. 9,218,348, Claims 1, 8, 12–15, 26, 27</p> <p>Proposed by Dropbox</p>	<p>No need for construction; plain and ordinary meaning.</p> <p>Alternatively, “happening” or “an action or occurrence to which a program might respond”.</p>	<p>a triggering notification or message about a storage device status or the status of an operation performed on a file</p>	<p>Plain-and-ordinary meaning.</p>

Term No.	Term	Datanet's Proposed Construction	Dropbox's Proposed Construction	Court's Final Construction
10	<p>“timer”</p> <p>U.S. Patent No. 8,473,478, Claims 8, 10; U.S. Patent No. 9,218,348, Claim 26</p> <p>Proposed by Dropbox</p>	<p>No need for construction; plain and ordinary meaning.</p> <p>Alternatively, “a mechanism, control device, or software that can count, record or indicate time or intervals”</p>	<p>device or component that measures and reports time intervals</p>	<p>Plain-and-ordinary meaning.</p>
11	<p>“archive file”</p> <p>U.S. Patent No. 8,473,478, Claims 1, 8–11; U.S. Patent No. 9,218,348, Claims 1, 8, 12–15, 20, 26</p> <p>Proposed by Datanet</p>	<p>“1) one or more files containing all of the data of an operating file in a native or altered format and/or 2) one or more files containing at least some of the data of an operating file in a native or altered format [with or without] references to the location of the remainder of the native or altered data of the operating file.”</p>	<p>“A file containing all of the data of an operating file in a native or altered format and/or a file containing at least some of the data of an operating file and including references to the location of the remainder of the data of the operating file.”</p>	<p>“A file containing all of the data of an operating file in a native or altered format and/or a file containing at least some of the data of an operating file and including references to the location of the remainder of the data of the operating file.”</p>